

## Message Text

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PAGE 01 TOKYO 07595 271848Z  
ACTION OES-07

INFO OCT-01 EA-12 ISO-00 ACDA-12 CIAE-00 INR-10 IO-14  
L-03 NSAE-00 NSC-05 EB-08 NRC-07 SOE-02 DODE-00  
SS-15 SP-02 CEQ-01 /099 W  
-----073565 281843Z /53

R 271224Z APR 78  
FM AMEMBASSY TOKYO  
TO SECSTATE WASHDC 7481  
INFO DOE GERMANTOWN  
DOE WASHDC

UNCLAS TOKYO 07595

E.O. 11652: N/A  
TAGS: TECH, JA  
SUBJECT: COURT RULING ON NUCLEAR POWER PLANT SAFETY

STATE PASS TO NRC FOR J.D. LAFLEUR

1. MATSUYAMA DISTRICT COURT ON APRIL 25 TURNED DOWN LOCAL RESIDENT GROUP'S SUIT AGAINST GOVERNMENT PERMIT FOR INSTALLATION OF SHIKOKU'S IKATA-1 REACTOR (566 MWE PWR). THIS WAS FIRST LAWSUIT ON NUCLEAR POWER PLANT SAFETY IN JAPAN.

2. COURT RULING INCLUDED FOLLOWING JUDGMENTS:

A. PLAINTIFFS WERE LEGALLY QUALIFIED TO FILE THE LAWSUIT BECAUSE LOCAL RESIDENTS MAY SUFFER RADIATION HAZARDS IN CASE OF ACCIDENT.

B. GOVERNMENT HAS DISCRETIONARY AUTHORITY FOR REACTOR INSTALLATION PERMIT SINCE REACTOR SAFETY REVIEW REQUIRES EXPERT KNOWLEDGE AND SINCE REACTOR INSTALLATION IS RELATED TO HIGH-LEVEL POLICY JUDGMENT.

C. NO LEGAL REASON EXISTS FOR CANCELLING GOVERNMENT PERMIT SINCE PROCEDURES FOR PERMIT WERE PROPER.

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3. PLAINTIFFS WERE DISSATISFIED WITH THE RULING, AND EXPRESSED INTENTION TO APPEAL TO HIGHER COURT.

4. MITI AND STA ISSUED STATEMENTS WELCOMING THE COURT RULING. PRIME MINISTER FUKUDA TOLD PRESS HE WAS DEEPLY IMPRESSED BY THE RULING. NSB DEPUTY DIRECTOR GENERAL SATO STATED HE WAS ENCOURAGED

BY RULING WHICH RECONFIRMED THAT GOVERNMENT HAS DISCRETIONARY  
AUTHORITY FOR NUCLEAR POWER PLANT INSTALLATION PERMIT. SHERMAN

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NNN

## Message Attributes

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**Review Markings:**  
Sheryl P. Walter  
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